



January 12, 2017

By Electronic Filing

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: *Ex Parte* Notice
2016 Biennial Review of Telecommunications Regulations, IB Docket No. 16-131

Dear Ms. Dortch:

On January 11, 2017, Jennifer A. Manner, Senior Vice President, Regulatory Affairs, Jodi Goldberg, Associate Corporate Counsel, Regulatory Affairs and Fernando Carrillo, Senior Principal Engineer, Regulatory Affairs of EchoStar, and Phuong Pham, outside counsel, of Wilkinson Barker Knauer, met with staff from the International Bureau to discuss the attached talking points regarding the above-referenced proceeding. EchoStar met with Troy Tanner, Jose Albuquerque, Karl Kensinger, Kerry Murray, Chip Fleming, Stephen Duall, Kathryn Medley, Clay DeCell and Jose Trevino, of the International Bureau.

This letter is filed pursuant to Section 1.1206 of the rules of the Federal Communications Commission. Please direct any questions regarding this matter to the undersigned.

Respectfully Submitted,

/s/ Jennifer A. Manner

Jennifer A. Manner
Vice President, Regulatory Affairs

Increasing Regulatory Certainty for Satellite Operations
The Biennial Review of Telecommunications Regulations (IB Docket No. 16-131)

- EchoStar¹ is the largest U.S.-based commercial geostationary orbit satellite operator with a fleet of 25 satellites currently in orbit. EchoStar's diverse fleet provides broadband, other fixed, mobile and DTH services throughout the United States and internationally. HughesNet, is the largest satellite broadband network in the United States providing service to over one million customers throughout North America and today operates the largest capacity satellite. With Hughes' launch in December of EchoStar XIX, Hughes can offer high speed broadband satellites across the continental United States including into parts of Alaska. In addition, EchoStar's fleet is utilized by the DISH Network to provide DTH service to millions of U.S. homes.
- As satellites continue to increase in importance in providing critical communications services across the United States including for public safety and disaster response, 5G, the internet of things and machine to machine, among other services, it is important that operators have regulatory certainty and flexibility to deploy their networks as needed to meet consumer and government needs. The FCC should offer regulatory certainty and flexibility comparable to that afforded by other administrations, and should strive to make the United States a more attractive administration for licensing and regulating satellite operations.
- The Biennial Review provides the FCC with the opportunity to enable satellite operators to meet consumer demand for new and innovative services on a cost-effective, timely basis. Specifically, the FCC should take this opportunity to streamline its Part 25 licensing rules so that an applicant has the option to receive umbrella authority to operate its network of satellites, gateway earth stations, and user terminals. Further the FCC should enable satellite operators to relocate U.S.-licensed satellites, subject to certain conditions, on a pro forma basis.
- When the Commission began streamlining the Part 25 Rules, Commissioner Pai hoped that the revised rules would make the United States the most desirable country in the world for licensing and operating satellites. Commissioner O'Rielly sought streamlined Part 25 rules that would be more closely aligned with those of other administrations. He believed that such changes would provide U.S. companies with greater incentives to approach the Commission to acquire satellite allotments from the International Telecommunication Union.

Creation of a Unified Space Station and Earth Station Authorization Process

- Adoption of a unified authorization process for space stations and earth stations would eliminate the current two-step process for such licenses and be consistent with FCC

¹ EchoStar Satellite Operating Corporation and Hughes Network Systems, LLC (collectively, "EchoStar").

licensing for terrestrial wireless operations whereby a comprehensive licensing approach is in place.

- This could be best accomplished by permitting a space station applicant a unified, streamlined process to apply for and receive associated earth station authority.

Creation of a Pro Forma Approach for the Relocation of U.S.-authorized satellites to non-U.S. Orbital Locations

- Today the FCC routinely grants operators the authority to relocate their satellites upon a finding of no public interest factors being adversely affected. However, this review process is often quite protracted and limits the ability of operators to respond quickly to market demands.
- Further, the Commission currently permits operators to relocate satellites between U.S.-authorized orbital locations assigned to the licensee on 30 days' notice.
- The Commission should take this opportunity to streamline the Part 25 rules that govern U.S.-authorized satellite operations to ensure that the operators under its regime continue to have the flexibility needed to lead the industry as innovators and service providers throughout the United States.

PART 25 RULES NO LONGER IN THE PUBLIC INTEREST:

1. Annual Reporting Requirements (47 C.F.R. § 25.170) – repeal rule as these reports are unnecessary given that satellite operators are already required to complete Part 4 network outage reports, and no similar requirement is imposed on terrestrial wireless licensees.
2. Space Station Application Licensing Rule to Authorize Official Copy of FCC Authorization (47 C.F.R. § 25.114) – revise rule to add for issuance of an official copy of the FCC authorization specifying the terms and conditions for the operation of a U.S.-licensed space station or a non-U.S.-licensed space station authorized for market access.
3. Application Licensing Rules to Permit Streamlined Application Filing and Comprehensive FCC Authorization for Space and Earth Station Operations (47 C.F.R. §§ 25.114 and 25.115) – revise the rules to permit applications for space and earth station authorizations to request authority for any or all space and earth stations operating in the same network, similar to the licensing framework in which cellular and other wireless operators submit comprehensive network license applications.
4. Application Dismissal Rule to Streamline and Expedite Application Process (47 C.F.R. § 25.112) – revise rule to add a new subsection that provides for automatic acceptance of application for filing after 30 days, barring any FCC request for further information within that time frame, and allowing an applicant to cure any defect in the application within 60 days of an FCC written request.
5. Licensing Requirement for Receive-Only Earth Stations Receiving from Non-U.S.-Licensed Satellites (47 C.F.R. § 25.131(j)) – repeal rule as seeking to review transmissions from non-U.S.-licensed space stations is outside of the jurisdiction of the Commission, and is unnecessary.
6. License Assignment Rule to Permit Flexibility to Transfer Control of Licensing Authority of a Satellite to a Non-U.S. Administration (47 C.F.R. § 25.119) – revise rule to codify the informal practice whereby the Commission, on a case-by-case basis, permits the transfer of satellite licensing authority to a non-U.S. administration, subject to exchange of letters, to enable greater fleet management flexibility and deployment of new, competitive services to non-U.S. markets.
7. Movements of Space Stations to Non-U.S. Orbital Positions (47 C.F.R. § 25.117) – revise rule to codify the presumption of business judgment granted to fleet management, whereby satellite operators would be permitted to relocate U.S.-authorized satellites to non-U.S. orbital locations pursuant to foreign ITU filings where the operator has already coordinated its operations at the new non-U.S. orbital location.